بسم الله الرحمن الرحيم

قل أمر ربي بالقسط

ON THE ISRAELI DEMAND FOR RECOGNITION OF A ‘JEWISH STATE’

Sari Nusseibeh

MABDA
English Monograph Series — Book No. 16

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

قُلْ أَمَرَ رَبِّي بِالْقِسْطِ

Say: My Lord has ordered justice

Qur'an,
Al-A`raf, 7:29

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On the Israeli Demand for Recognition of a 'Jewish State'

Sari Nusseibeh

THE ISRAELI GOVERNMENT'S CURRENT mantra is that the Palestinians must recognize a 'Jewish State'. Of course, the Palestinians have clearly and repeatedly *recognized* the State of Israel as such in the 1993 Oslo Accords (which were based on an Israeli promise to establish a Palestinian state within five years—a promise shattered now for fourteen years) and many times since. Recently, however, Israeli leaders have dramatically and unilaterally moved the goal-posts and are now clamouring that Palestinians must recognise Israel as a 'Jewish State'

In 1946, the Anglo-American Committee of Inquiry concluded that the demand for a 'Jewish State' was not part of the obligations of the Balfour Declaration or the British Mandate. Even in the First Zionist Congress in Basel in 1897, when Zionists sought to 'establish a home for the Jewish people', there was no emphasis on a 'Jewish State'. The Zion-

ist Organization preferred at first to use the description 'Jewish homeland' or 'Jewish Commonwealth'. Many pioneering Zionist leaders, such as Judah Magnes and Martin Buber also avoided the clear and explicit term 'Jewish State' for their project of a homeland for Jews, and preferred instead the concept of a democratic state of Israel for all its citizens or a bi-national state.

Today, however, demands for a 'Jewish State' from Israeli politicians are growing without giving thought to what this might mean, and its supporters claim that it would be as natural as calling France a French State. However, if we consider the subject dispassionately, the idea of a 'Jewish State' is logically and morally problematic because of its legal, religious, historical and social implications. The implications of this term therefore need to be spelled out, and we are sure that once they are, most people—and most Israeli citizens, we trust—will not accept these implications.

First, let us say that confusion immediately arises here because the term 'Jewish' can be applied both to the ancient race of Israelites and their descendants, as well as to those who believe in and practice the religion of Judaism. These generally overlap, but not always. For example, some ethnic Jews are atheists and there are converts to Judaism (leaving aside the question of whether these are accepted as such by Ultra-Orthodox Jews) who are not ethnic Jews.

Second, let us suggest also that having a modern nation-state being defined by one ethnicity or one religion is prob-

lematic in itself—if not inherently self-contradictory—because the modern nation-state as such is a temporal and civic institution, and because no state in the world is, or can be in practice, ethnically or religiously homogenous.

Third, recognition of Israel as a 'Jewish state' implies that Israel is, or should be, either a theocracy (if we take the word 'Jewish' to apply to the religion of Judaism) or an apartheid state (if we take the word 'Jewish' to apply to the ethnicity of Jews), or both, and in all of these cases Israel is then no longer a democracy—something which has rightly been the pride of most Israelis since the founding of Israel in 1948.

Fourth, at least one in five Israelis—20% of the population, according to the Israel Central Bureau of Statistics—today is ethnically Arab i.e. 20% of the population (and are mostly either Muslim, Christian, Druze or Bahai), and recognising Israel as a 'Jewish State' as such makes one-fifth of the population of Israel automatically strangers in their own native land and opens the door to legally reducing them, most undemocratically, to second-class citizens (or perhaps even stripping them of their citizenship and other rights)—something that no one, much less a Palestinian leader, has a right to do.

Fifth, recognising a 'Jewish State' as such in Israel would mean legally that whilst Palestinians no longer have citizens' rights there, any member of the world Jewry outside of Israel (up to 10 million people perhaps), should be entitled to full citizens' rights there, no matter where they may be in

the world today and regardless of their current nationality. Indeed, Israel publicly admits that it does not hold the land for the benefit of its citizens but holds it, in trust, on behalf of the Jews of the world for all time. This is something that happens in practice, but that obviously Palestinians in the Occupied Territories, including Jerusalem, do not see as fair; especially because they are constantly forcibly evicted off their ancestral homeland by Israel to make way for foreign Jewish settlers, and because Palestinians in their Diaspora are denied the same right.

Sixth, it means, before Final Status peace negotiations have even started, that Palestinians would have then given up the rights of about 7 million Palestinians in Diaspora to repatriation or compensation; 7 million Palestinians descended from the Palestinians who in 1900 lived in historical Palestine (i.e. what is now Israel, the West Bank including Jerusalem, and Gaza) and at that time made up 800,000 of its 840,000 inhabitants; and who were driven off their land through war, violent eviction or fear.

Seventh, recognising a 'Jewish state' in Israel—a state which purports to annex the whole of Jerusalem, East and West, and calls Jerusalem its 'eternal, undivided capital' (as if the city, or even the world itself, were eternal; as if it were really undivided, and as if it actually were legally recognized by the international community as Israel's capital)—means completely ignoring the fact that Jerusalem is as holy to 2.2 billion Christians and 1.6 billion Muslims, as it is to 15-20

million Jews worldwide. In other words, this would be to privilege Judaism above the religions of Christianity and Islam, whose adherents together comprise 55% of the world's population. Regrettably this is a narrative propagated even by renowned Jewish author and Nobel laureate Elie Wiesel, who, on April 15, 2010, took out full page ads in *The New York Times* and *The Washington Post* and claimed that Jerusalem '*is mentioned more than six hundred times in Scripture—and not a single time in the Qur'an*'. Now we do not propose to speak for native Palestinian Arab Christians—except to say that Jerusalem is quite obviously the city of Jesus Christ the Messiah—but as Muslims, we believe that Jerusalem is not the 'third holiest city of Islam' as is sometimes claimed, but simply one of Islam's three holy cities. And of course, despite what Mr. Wiesel seems to believe, Jerusalem is indeed clearly referred to in the Holy Qur'an in *Surat al-Isra'* (17:1):

> *Glorified be He Who transported His servant by night from the Inviolable Place of Worship to* ***the Aqsa Place of Worship whose precincts We have blessed,*** *that We might show him of Our tokens! Lo! He, only He, is the Hearer, the Seer'* {1}

Moreover, Muslims wanting to take a similar, religiously-exclusive narrative, could point out that whilst Jerusalem is mentioned 600 times in the Bible, it is not mentioned once in the Torah as such—a fact that any Biblical Concordance

will easily confirm. Of course we do, however, recognise the importance of the land of Israel in the religion of Judaism—this is even mentioned in the Qur'an, 5:21—we only ask that the Israeli government reciprocate this courtesy and allow Muslims to speak for themselves in expressing what they consider, and have always considered, holy to them.

Howbeit, there is another reason, more serious than all of the seven reasons mentioned above, why Palestinian leaders—and indeed any responsible person—cannot morally recognize Israel as a 'Jewish State' as such. It has to do with the very Covenant of God in the Bible with Ancient Israelites of the promise of a homeland for Jews. God says to Abraham in the Bible:

> [18] *On the same day the LORD made a covenant with Abram, saying: "To your descendants I have given this land, from the river of Egypt to the great river, the River Euphrates—*[19] *the Kenites, the Kenezzites, the Kadmonites,* [20] *the Hittites, the Perizzites, the Rephaim,* [21] *the Amorites, the Canaanites, the Girgashites, and the Jebusites." (Genesis, 15:18–21; NKJ)*

The ancient Israelites then go on to possess this land in the time of Moses, upon God's command, as follows:

> [1] *"When the LORD your God brings you into the land which you go to possess, and has cast out many nations*

before you, the Hittites and the Girgashites and the Amorites and the Canaanites and the Perizzites and the Hivites and the Jebusites, seven nations greater and mightier than you, [2] and when the LORD *your God delivers them over to you, you shall conquer them and utterly destroy them. You shall make no covenant with them nor show mercy to them.* (Deuteronomy, 7:1–2; NKJ)

[1] *'Hear, O Israel: You are to cross over the Jordan today, and go in to dispossess nations greater and mightier than yourself, cities great and fortified up to heaven, [2] a people great and tall, the descendants of the Anakim, whom you know, and of whom you heard it said, 'Who can stand before the descendants of Anak?' [3] Therefore understand today that the* LORD *your God is He who goes over before you as a consuming fire. He will destroy them and bring them down before you; so you shall drive them out and destroy them quickly, as the* LORD *has said to you.'* (Deuteronomy, 9:1–4; NKJ)

The fate of many of the original inhabitants is then as follows:

[21] *And they utterly destroyed all that was in the city, both man and woman, young and old, ox and sheep and donkey, with the edge of the sword.* (Joshua, 6:21; NKJ)

And this continues even later on in time, as follows:

[1] Samuel also said to Saul, "The LORD sent me to anoint you king over His people, over Israel. Now therefore, heed the voice of the words of the LORD. [2] Thus says the LORD of hosts: 'I will punish Amalek for what he did to Israel, how he ambushed him on the way when he came up from Egypt. [3] Now go and attack Amalek, and utterly destroy all that they have, and do not spare them. But kill both man and woman, infant and nursing child, ox and sheep, camel and donkey.'" (1 Samuel, 15:1-3; NKJ)

Now it is very easy to cherry-pick quotes from scripture permitting or enjoining violence. One could cite, out of context, verses like the 'sword verse' in the Holy Qur'an:

Then, when the sacred months have passed, slay the idolaters wherever you find them, and take them, and confine them, and lie in wait for them at every place of ambush. But if they repent, and establish prayer and pay the alms, then leave their way free. God is Forgiving, Merciful. (Al-Tawbah, 9:5)

One could even cite verses—again out of context—from Jesus Christ's own words in the Gospel, as follows:

[27] But bring here those enemies of mine, who did not want

me to reign over them, and slay them before me.'" (Luke, 19:27; NKJ)

[34] *"Do not think that I came to bring peace on earth. I did not come to bring peace but a sword."* (Matthew, 10:34; NKJ)

Nevertheless, it remains true that in the Old Testament God commands the Jewish state in the land of Israel to come into being through warfare and violent dispossession of the original inhabitants. Moreover, this command has its roots in the very Covenant of God with Abraham (or rather 'Abram' at that time) in the Bible and it thus forms one of the core tenets of Judaism as such, at least as we understand it. No one then can blame Palestinians and descendents of the ancient Canaanites, Jebusites and others who inhabited the land before the Ancient Israelites (as seen in the Bible itself) for a little trepidation as regards what recognising Israel as a 'Jewish State' means for them, particularly to certain Orthodox and Ultra Orthodox Jews. No one then can blame Palestinians for asking if recognising Israel as a 'Jewish State' means recognising the legitimacy of offensive warfare or violence against them by Israel to take what remains of Palestine from them. We need hardly say that this comes against a background where every day the Israeli settler movement is grabbing more land in the West Bank and Jerusalem (there are now 500,000 Israeli settlers in the

West Bank alone)—aided, abetted, funded and empowered by the current Israeli government—and throwing or forcing more and more Palestinians out, in so many different ways that it would take volumes to describe. Moreover, there are credible reports that despite the almost universal agreement in Rabbinical texts throughout the ages that the Divine command to kill the Amalekites was a unique and isolated historical incident that applied only to the race of the Ancient Amalekites, there are now, in certain religious schools in Israel, people who draw parallels between the Palestinians of today and the ancient Amalekites and their like (this is apparently the opinion of Rabbi Mordecai Eliyahu, a former Chief Rabbi of Israel; see also, for example: Shulamit Aloni's article 'Murder Under the Cover of Righteousness', *Counter-Punch*, March, 8-9, 2003).

In short, recognition of Israel as a 'Jewish State' is not the same as, say, recognition of Greece today as a 'Christian State'. It entails, in the Old Testament itself, a Covenant between God and a Chosen People regarding a Promised Land that should be taken by force at the expense of the other inhabitants of the land and of non-Jews. This idea is not present as such in other religions that we know of. Moreover, even secular and progressive voices in Israel, like former president of the Supreme Court of Israel Aharon Barak, understand the concept of a 'Jewish State' as follows:

'[The] Jewish State is the state of the Jewish people ...

> it is a state in which every Jew has the right to return … a Jewish state derives its values from its religious heritage, the Bible is the basic of its books and Israel's prophets are the basis of its morality … a Jewish state is a state in which the values of Israel, Torah, Jewish heritage and the values of the Jewish *halacha* [religious law] are the bases of its values'. ('A State in Emergency', *Ha'aretz*, 19 June, 2005.)

So, rather than demand that Palestinians recognize Israel as a 'Jewish State' as such— which is 'beyond *chutzpah*' and adds insult and injury—we offer the suggestion that Israeli leaders ask instead that Palestinians recognize Israel (proper) as a civil, democratic, and pluralistic state whose official religion is Judaism . Many states (including Israel's neighbours Jordan and Egypt, and countries like Greece) have their official religion as Christianity or Islam (but grant equal civil rights to all citizens) and there is no reason why Israeli Jews should not want *the religion* of their state to be officially Jewish. This is a reasonable demand, and it may allay the fears of Jewish Israelis about becoming a minority in Israel, and at the same time not arouse fears among Palestinians and Arabs about being ethnically cleansed in Palestine. Demanding the recognition of Israel's official religion as Judaism, rather than the recognition of Israel as a 'Jewish State', would also mean Israel continuing to be a democracy.